

REMARKS/ARGUMENTS

In the Final rejection dated December 11, 2008, the Examiner rejected claims 1, 2 and 10-16 under 35 U.S.C. §103(a) as allegedly obvious over Eggers, et al. (U.S. Patent No. 6,047,700) in view of Tu, et al. (U.S. Patent No. 5,971,968). However, Applicant has amended independent claim 1 to recite an *elongated* tip electrode mounted at the distal end of the tubing, the tip electrode having *an exposed length along which is positioned at least one irrigation opening* through which fluid can pass, wherein the tip electrode is configured to *ablate tissue along the exposed length* to form a lesion. Neither Eggers nor Tu teaches or suggests such a feature. Rather, Eggers appears to disclose an elongate shaft having an array of electrode terminals at its *distal end* and removes or modifies tissue structures using the *distal end* of the device. Column 14, lines 34-36; Figures 1, 2, 3, 4, 6, 7A, 7B, 7C, 9, 10, 11A, 12, 13, 14A, 15A, 18, 19A, 21A and 21B. Eggers nowhere teaches or suggests an *elongated* tip electrode having *an exposed length along which is positioned at least one irrigation opening* through which fluid can pass, wherein the tip electrode is configured to *ablate tissue along the exposed length* to form a lesion.

Also, Tu appears to disclose a porous *cap* electrode which may include a plurality of openings through which fluid may effuse. Column 6, lines 55-67. However, the cap electrode described in Tu is not an *elongated* tip electrode having *an exposed length along which is positioned at least one irrigation opening* through which fluid can pass, and the Tu cap electrode is not configured to *ablate tissue along the exposed length* to form a lesion. Rather, the Tu device appears to treat tissue using the distal tip of the device where the cap electrode is located. See, e.g., Figures 4 and 5 (depicting a treatment area at the distal tip of the device). As neither Eggers nor Tu, either alone or in combination teach or suggest an *elongated* tip electrode having *an exposed length along which is positioned at least one irrigation opening* through which fluid can pass, wherein the tip electrode is configured to *ablate tissue along the exposed length* to form a lesion, independent claim 1, and all claims dependent therefrom, including claims 2 and 10-16, are allowable over Eggers and Tu.

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The Examiner also rejected claims 3-9 and 17 under 35 U.S.C. §103(a) as allegedly obvious over Eggers and Tu in view of one or more of Alt (U.S. Patent No. 5,411,527) and Lucas, et al. (U.S. Patent No. 5,795,332). However, Applicant has amended independent claims 3, 7 and 17 to recite an *elongated tip electrode having an exposed length along which is positioned at least one irrigation opening* through which fluid can pass, wherein the tip electrode is configured to *ablate tissue along the exposed length* to form a lesion. As discussed above, neither Eggers nor Tu, either alone or in combination, teach or suggest these features. Neither Lucas nor Alt remedy the deficiencies of Eggers and Tu, as neither of these references, either alone or in combination with Eggers and/or Tu disclose these features. Accordingly, independent claims 1, 3, 7 and 17, and all claims dependent therefrom, including claims 2, 4-6 and 8-16, are allowable over Eggers, Tu, Alt and Lucas.

Finally, Applicant has added new claims 18-21 reciting that the exposed length of the tip electrode ranges from about 2mm to about 10mm. As each of new claims 18-21 depends from one of independent claims 1, 3, 7 and 17, all of which are allowable over Eggers, Tu, Alt and Lucas, as discussed above, each of new claims 18-21 are also allowable. In addition, none of Eggers, Tu, Alt and Lucas teach or suggest an elongated tip electrode having an exposed length ranging from about 2mm to about 10mm, as recited in claims 18-21. As such, claims 18-21 are independently allowable.

Claims 1-21 are now pending in this application. By this amendment, Applicant has amended claims 1, 3, 7 and 17 to place the claims in condition for allowance, and added new claims 18-21. The amendments find full support in the original specification, claims and drawings, and no new matter is presented. In light of the above amendments and remarks, Applicant submits that all of pending claims 1-21 are in condition for allowance. Applicant

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therefore respectfully requests reconsideration and a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number indicated below.

Respectfully submitted,

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